

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TERRY'S SATELLITE CITY, LLC	)	
	)	
COMPLAINANT	)	
	)	
v.	)	CASE NO. 2005-00030
	)	
NEWSOUTH COMMUNICATIONS CORP.	)	
	)	
DEFENDANT	)	

O R D E R

On January 14, 2005, Terry's Satellite City, LLC ("Terry's Satellite") filed with the Commission a formal complaint against NewSouth Communications Corp. ("NewSouth") alleging that NewSouth had misapplied funds from one corporation to another and that the billing was not for the agreed amount.

On January 25, 2005, the Commission ordered NewSouth to satisfy or answer the complaint. On February 9, 2005, NewSouth filed its response, moving that the Commission dismiss the complaint without prejudice or, in the alternative, order Terry's Satellite to submit a more definitive statement.

As grounds for its motion, NewSouth states that the complaint neither specifies the "funds" that were allegedly misapplied nor does it identify the "corporation" to whom the "funds" were misapplied. Without such specificity, NewSouth alleges, it cannot file a proper response and/or satisfy the complaint.

The Commission granted NewSouth's motion for a more definitive statement and found that Terry's Satellite's initial pleading omits allegations and details that were necessary to state a proper claim. On March 16, 2005, the Commission issued an Order that required Terry's Satellite, within 20 days of the date of the Order, to file an amended complaint that contained a more definitive statement of its allegations. More than 20 days has elapsed since March 16, 2005, and as of the date of this Order, Terry's Satellite has filed no pleadings with the Commission. Accordingly, the Commission finds that the complaint fails to state a claim upon which relief can be based and shall be dismissed.

IT IS THEREFORE ORDERED that this case is dismissed and removed from the Commission's active docket.

Done at Frankfort, Kentucky, this 28<sup>th</sup> day of April, 2005.

By the Commission

Commissioner W. Gregory Coker did not participate in the deliberations or decision concerning this case.

ATTEST:

  
Executive Director